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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,881	10/29/2003	Arto Palin	4208-4158 (Nokia 28980)	4109
27123 7590 04/02/2007 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER ABRAHAM, ESAW T	
			ART UNIT 2133	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/02/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	10/694,881		PALIN ET AL.	
	Examiner		Art Unit	
	Esaw T. Abraham		2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 34-39, 42 and 43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3-23 and 25-33, 40 and 41 is/are allowed.
- 6) ☒ Claim(s) 38 and 39 is/are rejected.
- 7) ☒ Claim(s) 34-37, 42 and 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

  
**GUY LAMARRE**  
**PRIMARY EXAMINER**

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to the applicant's amendments and remarks**

Applicant's arguments, see pages 9-10, filed 08/22/06, with respect to the rejection(s) of claim(s) 1, 3-23 and 25-43 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 35 U.S.C. 101 non-statutory subject matter.

### **Status of Claims**

1. Claims 34-39, 42 and 43 remain pending.
2. Claims 1, 3-23, 25-33, 40 and 41 have been allowed.

### **Claim objections**

3. Claims 34-37, 42, and 43 are objected to because:
  - a) Claim 34 recites, the phrase "first transceiver adapted to" and "second transceiver adapted to" since "adapted to" only suggests or makes optional and fails to further limit the claim.
  - b) Claim 35 is rejected due to the dependency on a rejected base claim (claim 36).
  - c) Claim 36 recites, the phrase "a controller adapted to" since "adapted to" only suggests or makes optional and fails to further limit the claim.
  - d) Claim 37 is rejected due to the dependency on a rejected base claim (claim 36).

e) Claim 42 recites, the phrase "first transceiver adapted to" and "second transceiver adapted to" since "adapted to" only suggests or makes optional and fails to further limit the claim.

f) Claim 43 recites, the phrase "a controller adapted to" since "adapted to" only suggests or makes optional and fails to further limit the claim.

The examiner's suggestion is to replace the phrase "adapted to" to ---configure to---

g) Claim 42 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 34. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

h) Claim 43 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 36. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

#### **Claim Rejections - 35 USC § 101, Non Statutory**

4. Claims **38 and 39** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter because: the claimed invention is directed to non-statutory subject matter.

Claims **38 and 39** are directed to “A computer program stored on a computer usable medium having a computer program logic recorded thereon for enabling a process comprising a program code for enabling the process to generate.. etc.. Emphasis added”. This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful, concrete and tangible result.

Specifically, this claimed subject matter does not produce a useful result because the claimed subject matter fails to sufficiently reflect to at least one practical utility set forth in the descriptive portion of the specification.

More specifically, while the described practical utility (utilities) in page 9 paragraph 0048 is directed to “memory 312 includes random access memory (RAM), read only memory (ROM), and/or flash memory, and stores information in the form of data and software components. These software components include instructions that can be executed by processor 310. Various types of software components may be stored in memory 312. For instance, memory 312 may store software components that control the operations of transceivers 214 and 220. Also, memory 312 may store software components that provide for the functionality of host 202, HCI interface 208, link manager 210, link controller 212, and UWB module 218. Therefore, the claims are not statutory as these claims are directed toward software per se and lack the program steps of functionality of instructions to be executed.”

Further the claims do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which

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permit the compute program's functionality to be realized. Therefore, they are neither computer components nor statutory processes, as they are not "acts" being performed.

For example, page 9, paragraph 0049 describes that memory 312 may store components that control the exchange of information through user interface 314 coupled to processor 310.

#### **Allowable subject matter**

5. Claims 34-37 would be allowable if rewritten to overcome the objection and the rejection(s) under 35 U.S.C. 101, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### **Examiner's statement for reason for allowance**

6. Claims 1, 3-2, 25-33, 40 and 41 have been allowed.

The following is an examiner's statement for allowance:

##### **As per claim 1:**

The prior art of record teach (U.S. PN: 6,961,541) Overy et al. substantially discloses a method and system for providing enhanced loop security by measuring a distance between transceivers (see line 1, lines 32-35). The method is embodied in an apparatus that establishes a wireless connection between an initiating device and a responding device by computing a distance or location of the responding device in conformity with a channel time delay between the responding device and one or more receivers. At least one of the receivers may be located within the initiating device or one

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or more of the receivers may be external to the initiating device. If the computed location indicates that the responding device is a desired device, a secure connection is then established between the initiating device and the responding device (see col. 3, lines 27-40). Sharma et al. (U.S. PN: 6,799,287) teach an error injection module is used to inject random errors into an ECC circuit between an encoder and a decoder. The encoder encodes data bits with check bits to produce an encoded signal and a decoder decodes (convert) the encoded signal, after modification by the error injection module (see col. 2, lines 34-50 and figure 3B). However, the prior art taken singly or in combination fail to teach, anticipate, suggest, or render obvious a method of providing communications security, the method comprising: (a) generating a protected content stream from a data stream; (b) transmitting the protected content stream across a first short-range radio communications link; and (c) transmitting across a second short-range radio communications link information for converting the protected content stream into the data stream; wherein the protected content stream comprises a packet, and wherein step (a) comprises inserting one or more errors into the packet.

Consequently, claim 1 is allowed over the prior art.

Claims **3-21**, which is/are directly or indirectly dependent/s of claim 1 are also allowable over the prior art of record.

**As per claim 22:**

The prior art of record teach (U.S. PN: 6,961,541) Overy et al. substantially discloses a method and system for providing enhanced loop security by measuring a distance between transceivers (see line 1, lines 32-35). The method is embodied in an

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apparatus that establishes a wireless connection between an initiating device and a responding device by computing a distance or location of the responding device in conformity with a channel time delay between the responding device and one or more receivers. At least one of the receivers may be located within the initiating device or one or more of the receivers may be external to the initiating device. If the computed location indicates that the responding device is a desired device, a secure connection is then established between the initiating device and the responding device (see col. 3, lines 27-40). Sharma et al. (U.S. PN: 6,799,287) teach an error injection module is used to inject random errors into an ECC circuit between an encoder and a decoder. The encoder encodes data bits with check bits to produce an encoded signal and a decoder decodes (convert) the encoded signal, after modification by the error injection module (see col. 2, lines 34-50 and figure 3B). However, the prior art taken singly or in combination fail to teach, anticipate, suggest, or render obvious a wireless communications device, comprising: means for generating a protected content stream from a data stream; means for transmitting the protected content stream across a first short-range radio communications link; and means for transmitting across a second short-range \_radio communications link information for converting the protected content stream into the data stream; wherein the protected content stream comprises a packet having one or more inserted errors, the one or more errors at one or more corresponding positions within the packet. Consequently, claim 22 is allowed over the prior art.

**As per claim 23:**



The prior art of record teach (U.S. PN: 6,961,541) Overy et al. substantially discloses a method and system for providing enhanced loop security by measuring a distance between transceivers (see line 1, lines 32-35). The method is embodied in an apparatus that establishes a wireless connection between an initiating device and a responding device by computing a distance or location of the responding device in conformity with a channel time delay between the responding device and one or more receivers. At least one of the receivers may be located within the initiating device or one or more of the receivers may be external to the initiating device. If the computed location indicates that the responding device is a desired device, a secure connection is then established between the initiating device and the responding device (see col. 3, lines 27-40). Sharma et al. (U.S. PN: 6,799,287) teach an error injection module is used to inject random errors into an ECC circuit between an encoder and a decoder. The encoder encodes data bits with check bits to produce an encoded signal and a decoder decodes (convert) the encoded signal, after modification by the error injection module (see col. 2, lines 34-50 and figure 3B). However, the prior art taken singly or in combination fail to teach, anticipate, suggest, or render obvious a method of providing communications security, the method comprising: (a) receiving a protected content stream from a first short-range radio communications link; (b) receiving from a second short-range radio communications link information for converting the protected content stream into a data stream; and (c) generating the data stream from the protected content stream; wherein the protected content stream comprises a packet having one or

more inserted errors, the one or more errors at one or more corresponding positions within the packet. Consequently, claim 23 is allowed over the prior art.

Claims **25-32**, which is/are directly or indirectly dependent/s of claim 23 are also allowable over the prior art of record.

**As per claim 33:**

The prior art of record teach (U.S. PN: 6,961,541) Overy et al. substantially discloses a method and system for providing enhanced loop security by measuring a distance between transceivers (see line 1, lines 32-35). The method is embodied in an apparatus that establishes a wireless connection between an initiating device and a responding device by computing a distance or location of the responding device in conformity with a channel time delay between the responding device and one or more receivers. At least one of the receivers may be located within the initiating device or one or more of the receivers may be external to the initiating device. If the computed location indicates that the responding device is a desired device, a secure connection is then established between the initiating device and the responding device (see col. 3, lines 27-40). Sharma et al. (U.S. PN: 6,799,287) teach an error injection module is used to inject random errors into an ECC circuit between an encoder and a decoder. The encoder encodes data bits with check bits to produce an encoded signal and a decoder decodes (convert) the encoded signal, after modification by the error injection module (see col. 2, lines 34-50 and figure 3B). However, the prior art taken singly or in combination fail to teach, anticipate, suggest, or render obvious a wireless communications device, comprising: means for receiving a protected content stream

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from a first short-range radio communications link; means for receiving from a second short-range radio communications link information for converting the protected content stream into a data stream; and means for generating the data stream from the protected content stream wherein the protected content stream comprises a packet having one or more insert errors, the one or more errors at one or more corresponding positions within the packet. Consequently, claim 33 is allowed over the prior art.

Independent claim **40** recites similar limitations to claim 1 and therefore is allowable as well.

Claim **41**, which is/are directly or indirectly dependent/s of claim 40 is also allowable over the prior art of record.

### **Conclusion**

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Esaw Abraham whose telephone number is (571) 272-3812. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are successful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300.

Information regarding the status of an Application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or PUBLIC PAIR. Status information for unpublished applications is available through Private Pair only. For more

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information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Esaw Abraham", followed by a horizontal line.

Esaw Abraham

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